

EMERGENCY MEDICAL SERVICES COMMISSION MEETING MINUTES

DATE: September 14, 2006
5:00 P.M.

LOCATION: Marriott Hotel and Conference Center
Indianapolis, Indiana

MEMBERS PRESENT: Gary Miller (Private Ambulance)
Jane Craigin (Hospital EMS)
Rodney Coats (General Public)
Myron Mackey (EMTs)
Michael Olinger, MD (Trauma Physicians)
Terri Hamilton (Volunteer EMS)
G. Lee Turpin II (Paramedics)

MEMBERS ABSENT:

Tim Davie (Municipal Fire)
William Rutherford, MD (Emergency Physicians)
Sue Dunham (Emergency Nurses)
Timothy Schabbel (Volunteer Fire)

OTHERS PRESENT: Michael Garvey, Deputy Director
Donna Sembroski, Deputy Attorney General, and
EMS Commission Counsel

CALL TO ORDER:

The meeting was called to order by Chairman Rodney Coats. Mike Garvey announced that Timothy Schabbel, representing volunteer fire services has asked to not be considered for reappointment thereby creating a vacancy for that position. Anyone wishing to be considered for the position should send a letter to Governor Mitch Daniels and send a copy to Mr. Garvey.

Mr. Garvey also introduced Terri Hamilton as the commission representative for volunteer EMS. Ms. Hamilton is from Henry County.

ADOPTION OF MINUTES:

Mr. Mackey offered a motion to accept the minutes of the previous meeting as amended. The motion was seconded by Gary Miller. The motion passed and the minutes were approved as submitted.

STAFF REPORTS:EMS PERSONNEL CERTIFICATION REPORT

First Responders certified this date:	6,537
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Emergency Medical Technicians to be certified this date:	332
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Emergency Medical Technicians currently certified:	16,140
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Emergency Medical Technicians recertified this date:	94
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Advanced Emergency Medical Technicians to be certified this date:	44
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Advanced Emergency Medical Technicians currently certified:	1,295
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Advanced Emergency Medical Technicians recertified this date:	5
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Paramedics to be certified this date:	29
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Paramedics currently certified:	2,738
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Paramedics recertified this date:	7
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Emergency Medical Technician-Intermediate to be certified this date:	11
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Emergency Medical Technician-Intermediate currently certified:	119
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Emergency Medical Technician-Intermediate recertified this date:	0
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Temporary Certifications issued:

EMT-B:	11
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Advanced EMT:	0
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Paramedic:	2
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Drivers Certifications currently certified:	1250
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Tony Pagano announced that the agency has seen a steady rise in all levels of certifications with the exception of First Responders. A reason for the lack of increase in First Responders is that the Indiana Law Enforcement Academy no longer offers First Responder training.

Michael Olinger offered a motion to accept the report. The motion was seconded by Ms. Hamilton. The motion passed and the report was accepted.

EMS PROVIDER CERTIFICATION REPORT

ALS Non-Transport, Ambulance Service Provider, BLS Non-Transport, Basic-Advanced, EMT-I, Paramedic Organization	1
ALS Non-Transport, Ambulance Service Provider, BLS Non-Transport, EMT Basic-Advanced, Paramedic Organization	6
ALS Non-Transport, Ambulance Service Provider, BLS Non-Transport, Paramedic Organization	3
ALS Non-Transport, Ambulance Service Provider, EMT Basic-Advanced Organization	1
ALS Non-Transport, Ambulance Service Provider, EMT Basic-Advanced Organization, EMT-Intermediate Organization, Paramedic Organization	2
ALS Non-Transport, Ambulance Service Provider, EMT Basic-Advanced Organization, Paramedic Organization	18
ALS Non-Transport, Ambulance Service Provider, EMT Basic-Advanced Organization, Paramedic Organization, Rescue Squad	1
ALS Non-Transport, Ambulance Service Provider, Paramedic Organization	16
ALS Non-Transport, BLS Non-Transport, EMT Basic-Advanced Organization	2
ALS Non-Transport, BLS Non-Transport, EMT Basic-Advanced Organization, Paramedic Organization	2
ALS Non-Transport, BLS Non-Transport, EMT Basic-Advanced Organization, Paramedic Organization, Rescue Squad Organization	1
ALS Non-Transport, BLS Non-Transport, EMT Basic-Advanced Organization, Rescue Squad Organization	1
ALS Non-Transport, EMT Basic-Advanced Organization	1
ALS Non-Transport, EMT Basic-Advanced Organization, EMT Intermediate Organization, Rescue Squad	1
ALS Non-Transport, EMT Basic-Advanced Organization, Paramedic Organization	3
ALS Non-Transport, Paramedic Organization	5
Ambulance Service Provider	97
Ambulance Service, BLS Non-Transport	29
Ambulance Service, BLS Non-Transport, EMT Basic-Advanced Organization	3
Ambulance Service Provider, BLS Non-Transport, EMT Basic-Advanced Organization, EMT Intermediate Organization	1

Ambulance Service Provider, BLS Non-Transport, EMT Basic-Advanced Organization, EMT Intermediate Organization, Paramedic Organization	1
Ambulance Service Provider, BLS Non-Transport, EMT Basic-Advanced Organization, Paramedic Organization	2
Ambulance Service Provider, BLS Non-Transport, Intermediate Organization	1
Ambulance Service Provider, BLS Non-Transport, Paramedic Organization	5
Ambulance Service, BLS Non-Transport, Rescue Squad	5
Ambulance Service Provider, EMT Basic-Advanced Organization	21
Ambulance Service Provider, EMT Basic-Advanced Organization, EMT-Intermediate Organization	4
Ambulance Service Provider, EMT Basic-Advanced, EMT-Intermediate Organization, Paramedic Organization	11
Ambulance Service Provider, EMT Basic-Advanced Organization, EMT-Intermediate organization, Paramedic Organization, Rescue Squad	1
Ambulance Service Provider, EMT Basic-Advanced Organization, Paramedic Organization	50
Ambulance Service Provider, EMT Advanced-Basic Organization Paramedic Organization, Rescue Squad	1
Ambulance Service Provider, Intermediate Organization	1
Ambulance Service Provider, Intermediate Organization, Paramedic Organization	3
Ambulance Service Provider, Paramedic Organization	36
Ambulance Service Provider, Paramedic Organization, Rescue Squad	1
Ambulance Service Provider, Paramedic Organization, Rotorcraft Air Ambulance	4
Ambulance Service Provider, Rescue Squad	2
BLS Non-Transport Organization	322
BLS Non-Transport, EMT Basic-Advanced Organization	4
BLS Non-Transport, EMT Basic-Advanced Organization, Rescue Squad	1
BLS Non-Transport, Rescue Squad	87
Rescue Squad Organization	6
Rotorcraft Air Ambulance	15
Total Providers	781

EMS OPERATIONS REPORT

EMS Vehicle Inspections:	130
Provider/Hospital Applications Processed:	72
EMS Provider Visits:	127
EMS Provider Audits:	03
Hospital Visits:	25
Hospital Audits:	01
EMT Tests Proctored	08

EMS Operations Director Sherrie Crain reported that staff has been busy preparing for conference. She recognized the EMS District Managers for their contributions.

Dr. Olinger offered a motion to accept the report. The motion was seconded by Mr. Miller. The motion passed and the report was accepted as submitted.

COMMITTEE REPORTS

EMS EDUCATION ADVISORY COMMITTEE

Steve Garrison reported that the committee has reviewed the revised objectives for the Indiana State TEMS Course and found them to be sound. The committee also recommends the further development of the course to be consistent with other EMS Commission endorsed courses with respect to the course application, course completion report, continuing education requirements, and reporting. Mr. Garrison stressed that the program was not a certification course.

OLD BUSINESS

Tactical Emergency Medical Service Program

Discussion began with reviewing the need for the program and determining what defines the objectives. Charles Miramonti, MD, reported that the commission has approved the curriculum for the course to serve as the “gold” standard for comparison of training programs. Mr. Garvey reminded the commission that the program is not a certification course but an endorsement of training, at any certification level, that meets the objectives of the course.

Dr. Olinger stated that he believes the objectives need to be defined. Jim Christopher of the education committee stated that the committee was just asked to look at the objectives to determine if they were educationally sound, not to define them. Mr. Miller questioned the need for the program. Mr. Garvey responded that at the present time EMS personnel were functioning in a tactical capacity with little training for which no standard has been set.

Chairman Coats directed that the TEMS Taskforce for further study the issue and report back to the commission at the November meeting.

Mr. Mackey asked if the education committee could check the status of the training institution accreditation process and report back at the November meeting. Mr. Pagan said it would be done.

LEGAL MATTERS

Emergency Order of Suspension

It was reported that the Agency has issued an Emergency Order of Suspension to Joshua Cunningham, Certification Number 47324.

Report, Finding of Fact, and Non-Final Order of the Administrative Law Judge (ALJ)

Cause No. 05-08, Steven D. Doty, Paramedic 27591

Chairman Coats introduced Donna Sembroski, Deputy Attorney General, who was present to advise the commission on legal matters. The Administrative Law Judge issued a Report, Findings of Fact, and Nonfinal Order on April 28, 2006. The Indiana Department of Homeland Security filed an objection to this Nonfinal Order. Subsequently, the Indiana Department of Homeland Security filed a brief in support of its objection accompanied by a proposed final order. Steven Doty filed a response to IDHS' brief.

Mr. Mackey offered a motion to not accept the Nonfinal Order of the ALJ and revoke the certificates for 7 years. The motion was seconded by Lee Turpin. Discussion followed.

Dr. Olinger stated that he did not believe Mr. Doty was a predator. Chairman Coats responded the Me. Doty had admitted to the offense and he, the Chairman, would not want Mr. Doty in the back of an ambulance with his daughter. Mr. Mackey read a statement from an interview of Mr. Doty by a law enforcement officer on June 24, 2004 where Mr. Doty admitted licking the vagina of a 4-year old female. He too did not want to see Mr. Doty in the back of an ambulance. Mr. Turpin stated that the commission needs to send a message regarding this kind of behavior.

Bryan R. Williams, attorney for Mr. Doty reviewed the interview between Mr. Doty and police. He stated that, other than the interview, there was no other evidence of wrong doing and the judge dismissed the case due to lack of evidence. Mr. Williams stated that at every step through the criminal justice process the case was tossed out because of lack of evidence. He said that the commission was the last step of that process and it should give deference to the judge and prosecutor.

Brad Gavin, counsel for the Indiana Department of Homeland Security, responded that the agency had drawn a different conclusion and requested the commission accept its proposed Final Order and Findings of Facts.

Mr. Mackey amended his motion to read: Accept the Proposed Final Order submitted by the state and adopt that as the Commission's Final Order. The amendment was seconded by Mr. Turpin.

Mr. Miller suggested the commission had other options and should give credence to the judge and prosecutor. Jane Craigin stated that the commission needs to have an impaired professional program.

A voice vote was taken, Ms. Craigin, Mr. Turpin, Ms. Hamilton, Mr. Mackey, and Chairman Coats voting "yes"; Mr. Miller and Dr. Olinger voting "no." The motion carried.

Chairman Coats asked Dr. Olinger to research the topic of an impaired professional program with staff.

Report, Finding of Fact, and Nonfinal Order of the ALJ

Cause No. 06-01, Paramedic Theresa Rinehart

Mathew Langenacher, attorney for Theresa Rinehart, presented several motions to the commission regarding Ms. Rinehart's hearing.

- 1) A motion to have transcript prepared at agency expense. Chairman Coats stated that the hearing would not be held at this meeting. Mr. Langenacher stated that he needed a quality recording of the hearing. **Dr. Olinger offered a motion to deny Mr. Langenacher's motion. The motion was seconded by Mr. Mackey. The motion passed. Mr. Langenacher's motion is denied.**
- 2) A motion to remand. **Dr. Olinger offered a motion to table Mr. Langenacher's motion. The motion was seconded by Mr. Miller. The motion passed. Mr. Langenacher's motion is tabled. Mr. Langenacher objected for the record.**
- 3) A motion to disqualify Dr. Rutherford as an ALJ. **Mr. Miller offered a motion to accept the attorney's motion. The motion was seconded by Dr. Olinger. The motion passed.**
- 4) A motion for disqualification of impartial [sic] members of the EMS Commission as ALJs and an alternative motion for independent administrative law judge or tribunal. **After discussion, Mr. Langenacher withdrew his motion. Dr. Olinger offered a motion that commission agrees that anyone on this commission that is not impartial to this case would excuse themselves from the process. The motion was seconded by Mr. Miller. The motion passed.**
- 5) A motion to present oral argument. **Mr. Miller offered a motion to allow oral arguments. The motion was seconded by Mr. Mackey. The motion passed. Mr. Mackey offered a motion to limit oral arguments to 30 minutes per party. The motion was seconded by Mr. Miller. The motion passed. Dr. Olinger offered that at the November meeting, the commission would meet then go into recess to conduct the hearing. The motion was seconded by Mr. Miller. The motion passed.**
- 6) A motion to present additional evidence. Dr. Olinger offered a motion to accept the attorney's motion on condition that the commission members have access to all evidence. The motion was seconded by Mr. Miller. The motion was withdrawn. Mr. Miller offered a motion to send back to the ALJ (remand) without instruction. The motion was withdrawn. **Dr. Olinger offered a motion to remand to the ALJ with instruction to accept additional evidence in relation to the findings beyond the scope of the pop-off valve. The motion was seconded by Ms. Hamilton. The motion passed.**

Mr. Langenacher objected for the record to not leaving the instructions limited to the reprimand set out in the initial grievance/order.

The commission recognized that since the case was being remanded to the ALJ, oral arguments would not need to be held at the November meeting.

NEW BUSINESS

Indiana Stroke Prevention Task Force

Robert Atkins, EMS Director for Bedford Regional Medical Center, reported that the task force was developing an assessment tool for EMS and hospitals. He asked that all EMS organizations participate.

Helicopter Safety Information from US DOT and FAA

Rex Alexander, President of the Indiana Association of Air Medical Services, discussed an air safety advisory from the FAA. The FAA is looking for support from states that regulate air medical services in regards to “ambulance shopping.” Ambulance shopping occurs when bad weather in an area prevents an air ambulance from flying and an out of area air ambulance is contacted to respond. The FAA is recommending that air ambulance services must be told if another air service turned down the run because of bad weather in the area. Mr. Garvey said that he would try to get something to that effect into the EMR draft rules. He also said that he would send something out to EMS and dispatch centers.

Smoking in Ambulances

Mr. Garvey asked the commission to address the issue of smoking in ambulances either by policy or rule.

Mr. Miller offered a motion to create a Non-Rule Policy prohibiting smoking in certified ambulances and add the prohibition to the rules during the next revision. The motion was seconded by Dr. Olinger. The motion passed.

EMS COMMISSION RULE WAIVERS:Provider Waiver Requests

Alliance Emergency Medical Services, 836 IAC 1-4-1, Dispatching via radio
 EMS District Manager Tom Nowacki presented a request to allow Alliance EMS to dispatch ambulances by cell phones for its units in Valparaiso, La Porte, and Michigan City.

Staff's recommendation is to approve the waiver.

Dr. Olinger offered a motion to accept staff's recommendation. The motion was seconded by Mr. Mackey. The motion passed.

AMR, Evansville, 836 IAC 2-1(h) (2), requiring a paramedic response to include an EMT and a paramedic

EMS District Manager presented a request to waive the staffing of a paramedic on an ambulance used specifically for the transport of patients requiring a specialty transport team provided by Deaconess Hospital, Gateway Hospital, and Deaconess Women's Hospital, Evansville. The ambulance to be used will be dedicated to specialty transport transfers.

Staff's recommendation is to approve the waiver.

Dr. Olinger offered a motion to accept staff's recommendation. The motion was seconded by Mr. Mackey. The motion passed.

COMMISSION CHAIRMAN'S REPORT and DIRECTION:2006 EMS COMMISSION MEETING DATES

Friday, November 17, 2006 (Location will be announced later)

Mr. Garvey announced that the agency is trying to complete the fiscal impact study on the EMD rules. It has been a slow struggle to complete. He also reported that the agency has drafting letters to about 10 providers initiating administrative action for not complying with data collection requirements. Mr. Garvey said that the agency was placing 7 more MCE trailers in the Homeland Security Districts and is working on the development of a statewide triage tag and training system.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

Approved: Indiana EMS Commission, November 17, 2006